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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Application No. Application No. Application (0. BOSER ET AL. | <u> </u> | | | | | |
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| Examiner | | Application No. | Applicant(s) | | | |
| Mini-TAM DAVIS 1642 | Office Action Summany | | | | | |
| The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensive of time may be available under the provisors of 3 CFR 1.136(a). In ro event, however, may a neply be timely fled the period for reply specified above is less the within (30) says, a reply within the statutory minimum of thinty (30) says, will be considered limely. If the period for reply specified above is less than thinty (30) says, a reply with the statutory period village and vill saights (35) MONT 15th from the maining date of this communication. Fallure to reply within the set or extended period for reply with by statutory period village and vill saights (35) MONT 15th from the maining date of this communication. Fallure to reply within the set or extended period for reply with by the set of the communication to become ASHACOHED (30 U.S.C. § 133). This action is FINAL. 2b \(\text{STATUS}\) This action is prominent to condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 \(\text{STATUS}\) Claim(s) 43-25 is/are pending in the application. 4) Of the above claim(s) 43-47 and 49 is/are withdrawn from consideration. 5 \(\text{Claim(s)}\) 48 and 50-52 is/are rejected. 7 \(\text{Claim(s)}\) is/are allowed. 6 \(\text{Claim(s)}\) is/are objected to by the Examiner. Application Papers 9 \(\text{The proposed drawing correction filed on is/are: a \(\text{accepted or b objected to by the Examiner.}\) 10 \(\text{The proposed drawing correction filed on is/are: a \(\text{accepted or b objected to by the Examiner.}\) 11 \(\text{The proposed drawing correction filed on is/are: a accepted or b objected to by the Examiner.}\) 12 \(The proposed drawing correction filed on | Office Action Summary | Examiner | Art Unit | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of lines may be available under the provisions of 37 CFR 1.33(a), in no event, however, may a raply be limited by the december of the provision of the provisions of 37 CFR 1.33(b), in no event, however, may a raply be limited by the december of the provision of the provision of 37 CFR 1.33(a), in no event, however, may a raply be limited by the considered timely. If NO period for reply is specified above, the maximum statutory period will apply self will expire SIX (b) MO2/THS from the maining date of this communication. The provisional provision | The MAN INC DATE of this committee is also | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be swilled under the provisions of 37 CFR 1 1364a). In no event, however, may a reply be limely filed after 50x (8) MONTHS from the mailing date of this communication. It NO percol for reply is specified above, the maintenine of 37 CFR 1 1364a). In no event, however, may a reply be limely filed after 50x (8) MONTHS from the mailing date of this communication. If NO percol for reply is specified above, the maintenine replaced apply within the studyory prediction to become ARAMONED (35 U.S.C. § 133). Any rody record by the Office after than three mornine after the mailing date of this communication, even if timely filed, may reduce any secure prediction to become ARAMONED (35 U.S.C. § 133). Any rody record by the Office after than three mornine after the mailing date of this communication, even if timely filed, may reduce any secure prediction to become ARAMONED (35 U.S.C. § 133). Any rody record by the Office after than the provided prediction and the provide | | ears on the cover sheet with the C | correspondence address | | | |
| 1) Responsive to communication(s) filed on 13 June 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 43-52 is/are pending in the application. 4a) Of the above claim(s) 43-47 and 49 is/are withdrawn from consideration. 5) Claim(s) 48 and 50-52 is/are rejected. 7) Claim(s) 48 and 50-52 is/are objected to. 8) Claim(s) 48 and 50-52 is/are objected to. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some on None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 4) Acknowledgment is made of a claim for domestic priority under 35 U.S.C | THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any | | | | | |
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DETAILED ACTION

Applicant's election without traverse of group II, claims 48, 50-52 in Paper No. 6 is acknowledged.

Accordingly, claims 48, 50-52 are examined in the instant application.

Claim Rejections - 35 USC § 112, SECOND PARAGRAPH

Claims 50-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 50-52 are indefinite, because claims 50-52 are dependent on non-elected claim 49.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 48, 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Roser, US PN=4.891,319.

Claims 48, 51 are drawn to a method for reducing aggregation during dehydration and rehydration of particulates in suspension, comprising adding to a

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particulate suspension trehalose in an amount sufficient to prevent aggregation upon rehydration, and dehydrating the suspension. The amount of trehalose is at least 10%.

Roser et al teach drying of proteins and other macromolecules such as vaccines, agarose etc.. in the presence of trehalose (abstract). The trehalose concentration is from 0.05% to 20 % by weight.

It is well known in the art that agarose is a particulate.

Thus the method taught by Roser et al seems to be the same as the claimed method.

Because the method of the prior art comprises the same method steps as claimed in the instant invention using the same composition, the claimed method is anticipated because the method will inherently lead to the claimed effects. See Exparte
Novitski 26 USPQ 1389 (BPAI 1993).

2. Claims 48, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al, PN= 5,902,565

Claims 48, 50 are drawn to a method for reducing aggregation during dehydration and rehydration of particulates in suspension, comprising adding to a particulate suspension trehalose in an amount sufficient to prevent aggregation upon rehydration, and dehydrating the suspension. The particulate is aluminum hydroxide.

Cox et al teach drying a vaccine comprising an aluminum salt adjuvant (aluminum hydroxide) and trehalose (claims 1, 3-4, 6, and column 5, lines 66-67).

Thus the method taught by Roser et al seems to be the same as the claimed method.

Because the method of the prior art comprises the same method steps as claimed in the instant invention using the same composition, the claimed method is anticipated because the method will inherently lead to the claimed effects. See Ex-parte
Novitski 26 USPQ 1389 (BPAI 1993).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 703-305-2008. The examiner can normally be reached on 9:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANTHONY CAPUTA can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0916.

MINH TAM DAVIS

August 30, 2002